



State of New Jersey

DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
PO BOX 381
TRENTON, NEW JERSEY 08625-0381

JON S. CORZINE
Governor

DAVID J. SOCOLOW
Acting Commissioner

MEMORANDUM

April 7, 2006

To: All Judges and Attorneys

From: Peter J. Calderone, Director and Chief Judge

Subject: Recent Publication: (1) Proposed Division Rule Readoption;
and (2) Proposed Rules on Non-Duplication of Benefits Under the
Temporary Disability Benefits Law and Workers' Compensation
Act

On Monday, April 3, 2006, the New Jersey Register published two rule proposals issued by the Department of Labor and Workforce Development: (1) the proposed readoption of the Division's rules as set forth in N.J.A.C. 12:235 with minor amendments (Attachment A); and (2) proposed new rules (N.J.A.C. 12:18-1.7 and 12:235-3.16) on non-duplication of benefits received under the Temporary Disability Benefits (TDB) law and the Workers' Compensation Act (Attachment B).

Please note that readoption of the Division rules is required under the sunset provisions of the New Jersey Administrative Procedures Act. Only two minor changes were made to the current Division rules in order to update the reference to the Commissioner and the Department that appeared in N.J.A.C. 12:235-2.1 and to correct a typographical error that appears in N.J.A.C. 12:235-7.9. As this rule proposal states, a public hearing on the proposed readoption will be held at the Labor Building in Trenton on Monday, April 24, 2006 at 10 a.m.

The proposed new rules, N.J.A.C. 12:18-1.7 and 12:235-3.16, on non-duplication of benefits received under the TDB law and the Workers' Compensation Act are regulatory proposals reflecting the Department's long standing policy for handling TDB liens. The need to codify this policy is based on Attorney General direction and the New Jersey Administrative Procedures Act's requirements for policy codification. The procedures set forth in the non-duplication rule proposal are to be followed during the rule proposal process. A public hearing on the proposed non-duplication rules will be held at the Labor Building in Trenton on Monday, May 1, 2006 at 10 a.m. And for the convenience of those who may not be able to attend that public hearing in Trenton, an additional hearing will be held at the New Brunswick Workers' Compensation Court facility (Court Room 1), 506 Jersey Avenue, on Friday, May 12, 2006 at 1:30 p.m.

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